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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Mauritius

Addendum

Information provided by Mauritius in follow-up to the concluding observations*

[Date received: 21 October 2013]

* The present document is being issued without formal editing.

Please recycle

Written information on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) paragraphs 15 & 23

15. The Committee calls upon the State party to repeal section 16 (4) (c) of the Constitution, which discriminates against women, and to adopt all necessary measures to bring the Constitution into compliance with articles 2 and 16 of the Convention. The Committee further recommends that these measures include the re-opening of a target-oriented dialogue with religious communities, ensuring the participation of women on both sides, and the introduction of education campaigns on equality and non-discrimination aimed at bringing about a change in the prevailing patriarchal attitudes within the different segments of society and their respective representatives. The Committee calls upon the State party to hasten the review of the Constitution and to update the Committee in its next report on the progress achieved, as provided for in the Government Programme 2010-2015.

Following the amendments brought to the Civil Status Act, a Muslim Family Council (MFC) has been set up under section 29 in 1990. Section 26 of the same Act gives the MFC authority to celebrate religious marriage with civil effect and section 30(a) provides for celebration in accordance with Muslim rites.

Government had set up a Commission to look into existing rules governing marriages and dissolution of marriages celebrated in accordance with Muslim rites as well as issues on children and succession rights. However, given the various schools of thoughts among Muslims in the country, a consensus could not be reached.

The reform effected to our law on marriage since 1982 aims primarily at providing for a single marriage system for all except persons of the Muslim faith who may opt to marry in accordance with Muslim rites. However, any religious marriage ceremony performed in relation to Muslims who do not wish to be governed by the civil law is subject to articles 228-1 to 228-10 of the Code Civil Mauricien. In the absence of any codification of Muslim law, Muslim religious marriage is governed by Muslim religious customary rules. Although the Judge in Chambers is endowed with powers to decide on litigious issues arising between spouses of a Muslim religious marriage, mainly on the question of divorce, yet he does not have jurisdiction to pass judgement without consulting the appropriate religious authority.

The need to review the Constitution will depend on the recommendations of the Muslim Family Council.

Violence against women

23. In accordance with article 2 of the Convention, and taking into account the Committee's general recommendations No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and No. 19 (1992) on violence against women as well as the concluding observations of the Committee against Torture (CAT/C/MUS/CO/, para. 16), the Committee urges the State party to:

(a) Accelerate its efforts to combat impunity for domestic violence offences by eliminating all obstacles preventing abused women from reporting domestic violence offences to the police, by bringing all perpetrators to justice and offering reparations to women who are victims of domestic violence;

In 2011, with the support of the UNODC, the Ministry of Gender Equality, Child Development and Family Welfare organised a Training of Trainers Programme for the "Development of Effective Police Responses to Violence Against Women". 20 Police Officers and 5 Family Welfare and Protection Officers (FWPOs) of the Ministry were trained on effective law enforcement responses to violence against women in Mauritius.

Following the training of trainers programme, 639 Police Officers and 91 officers of the Ministry have been trained.

Further capacity building programmes for police officers will be conducted by October 2013.

The Ministry also provides psychological counselling sessions at the level of the six FSBx to women victims of gender-based violence.

To ensure the effective implementation of laws pertaining to Domestic Violence, station orderlies who operate as front line customer care officers, police sergeants and police inspectors have been given special training.

Training and capacity-building

SN	*Year*	*Training Courses Seminars Workshop Conducted*	*No. of attendees*
1	2009	Gender Based Violence	537
2	2010	Gender Based Violence	–
3	2011	Gender Based Violence	770
4	2012	Gender Based Violence	430
5	2013 (Jan-Aug)	Gender Based Violence	402

SN	*Year*	*Training Courses Seminars Workshop Conducted*	*No. of attendees*
1	2011	Training to Station Orderlies\frontline customer care officers on domestic violence/ GBV	119
2	2012	Training to Station Orderlies\frontline customer care officers on domestic violence/ GBV	83
3	2013 (Jan-Aug)	Training to Station Orderlies\frontline customer care officers on domestic violence/ GBV	–

Statistics of domestic violence for PFPU for period 2010 to 2013 (Jan-Aug)

Compassionate Investigation mediation and Counselling	*2010*		*2011*		*2012*		*2013 (Jan-Aug)*	
	M	F	M	F	M	F	M	F
	807	3 524	835	3 373	886	2 987	581	2 805

Statistics of domestic violence reported at police station for period 2010 to 2013 (Jan-Aug)

Declaration Prosecution of perpetrators	*2010*		*2011*		*2012*		*2013 (Jan-Aug)*	
	M	F	M	F	M	F	M	F
	299	2 896	350	2 696	308	2 777	178	1 557

Number of protection, occupation and tenancy orders applied by staff of police family protection unit for year 2010 to 2013 (Jan-Aug)

Year	*Interim Protection Order*	*Protection Order*	*Interim Occupancy Order*	*Occupancy Order*	*Tenancy Order*
2010	1 133	504	–	3	–
2011	831	461	2	5	1
2012	935	539	–	5	1
2013 (Jan-Aug)	711	432	–	2	1

(b) Continue its efforts to raise awareness among women and girls about the criminal nature and harmful effects of all forms of violence on their health, eradicating the underlying cultural justifications for such violence and practices, and encouraging women and girls to report acts of violence to the competent authorities;

Sensitisation and awareness-raising campaigns are conducted through the Zero Tolerance Clubs (ZTCs), Strengthening Values for Family Life (SVFL), Men as Partners, Women Associations and Local Government Bodies amongst others.

Moreover, wide publicity regarding **hotline 139** is done regularly to encourage people to report cases of domestic violence.

Area Domestic Violence Committees (ADVCs) are organised on regular basis at the level of the FSBx to ensure that stakeholders (Police departments, health services, social security services, amongst others), dealing with victims of domestic violence, deliver prompt and timely assistance.

The objectives of the ADVCs are to:

- Reduce and prevent the incidence of domestic violence;
- Provide accessible, reliable, timely and coordinated guidance on cases of domestic violence and ensure that victims receive appropriate treatment and care; and
- Create an environment free from any form of violence for the family and the community.

The Police Family Protection Unit (PFPU) of the Mauritius Police Force has as objective to ensure the Protection of victims of Domestic Violence, Child Abuse and Elderly Abuse. With the launching of the National Policing Strategic Framework which is based on six main pillars, the PFPU falls within the purview of the 1st Pillar i.e. community policing. Community policing has been set up around the

island and hence through its Community Forum, in collaboration with Community Policing Officer at Station level, the Police Family Protection Unit has expanded its sensitization and prevention campaign against Domestic Violence, Trafficking and Exploitation of Prostitutes. Regular sensitization is being carried out by the Police Family Protection Unit, Brigade Pour La Protection des Mineurs and Child Protection Unit and the regular Police at District station level.

Hereunder is a table of all community policing forum that have been organized at force level.

Community Policing for Police Family Protection Unit (PFPU)			
1.	Year 2010	35	1 098
2.	Year 2011	29	877
3.	Year 2012	18	792
4	Year 2013 (Jan-Aug)	15	511
Total		**97**	**3 278 persons**

Sensitization Campaign on Child Abuse including Commercial Sexual Exploitation of Children for the period 2010 to 2013 (Jan-Aug)
Year 2010

Talks and Lectures delivered by Police Family Protection Unit (PFPU)			
1.	Primary Schools	74	5 676 pupils
2.	Secondary Schools	9	688 pupils
3.	Social Welfare Centres	30	1 572 persons
Total		**113**	**7 936 persons**

Year 2011

Talks and Lectures delivered by Police Family Protection Unit (PFPU)			
1.	Primary Schools	78	5 356 pupils
2.	Secondary Schools	12	608 pupils
3.	Social Welfare Centres	56	3 180 persons
Total		**146**	**9 144 persons**

Year 2012

Talks and Lectures delivered by Police Family Protection Unit (PFPU)			
1.	Primary Schools	158	14 728 pupils
2.	Secondary Schools	7	580 pupils
3.	Social Welfare Centres	55	2 674 persons
Total		**220**	**17 982 persons**

Year 2013 (Jan-Aug)

Talks and Lectures delivered by Police Family Protection Unit (PFPU)		
1. Primary Schools	135	11 199 pupils
2. Secondary Schools	11	599 pupils
3. Social Welfare Centres	58	2 087 persons
Total	**204**	**13 885 persons**

Radio and TV Programmes

S No.	*Programme*	*Topic*
YEAR 2010		
1.	Radio One (13/09/10)	Violence against Children
2.	Radio Kool (14/09/10)	Violence a l'egard des enfants
3.	Radio Kool (23/09/10)	"A Vous de jugal" Sexual Harassment
YEAR 2011		
1.	Radio Mauritius (26/07/11)	'Family & Child Protection and Brigade des Mineurs during school holidays'
2.	Radio Mauritius (02/08/11)	Violence against Children
YEAR 2012		
1.	MBC TV (30/01/12)	Constat Series on "Domestic Violence"
2.	Radio One (05/04/12)	Sexual Abuse
3.	Radio One (06/04/12)	Sexual Abuse
4.	Kool FM MBC (11/05/12)	Consolidation de la cellule familiale
5.	Kool FM MBC (08/06/12)	Quel encadrement pour les jeunes
6.	Radio Mauritius MBC in Hindustani (12/07/12)	Role of Woman Police Officer in the Police Force
YEAR 2013		
1.	Radio One (12/02/13)	Enquête en Direct re Child Issues
2.	MBC Oriental Radio (24/09/13)	Women's Contribution I.c.w Labour Day
3.	MBC TV (24/09/13)	Women's Contribution I.c.w Labour Day

Safety and security week

A security week is being held at the level of the police every year since 2007 to target a larger public whereby officers of the PFPU provide information to people and laws pertaining to domestic violence and Child Abuse and services offered by the Police Family Protection Unit and its different stakeholders.

A Security week is being actually organized in Rodrigues to better sensitize people thereat on different issues for their safety and security.

		Security Week		
SN	*Year*	*Date*	*Venue*	*Attendance*
1	2011	22 August to 28 August	Pointe Canon, Mahebourg	31 000
2	2012	22 February to 25 February	Port Mathurin, Rodrigues	10 700
3	2012	28 August to 2 September	Rose Hill Plaza	37 000
4	2013 (Jan-Aug)	–	–	–

For 2011 and 2012, 11,731 and 25,000 people, respectively were sensitized on family related issues and gender-based violence by the Ministry of Gender Equality, Child Development and Family Welfare.

(c) Ensure that investigation and ex-officio prosecution of cases of domestic violence proceed, in order to signal to the community that domestic violence is a serious crime and will be treated as such;

All offences listed under the Domestic violence Act and also various forms of Domestic Violence offences are as follows.

Rape — Sentence: Minimum 10 years Max 40 Years.

249. Rape, attempt upon chastity and illegal sexual intercourse

(1) (1) Any person who is guilty of the crime of rape, shall be liable to penal servitude for a term which shall not be less than 10 years.

Amended by [Act No. 36 of 2008]

(1A) Notwithstanding any other enactment, where a person is convicted of an offence under subsection (1), the Intermediate Court shall have — jurisdiction to inflict penal servitude for a term not exceeding 40 years; power to order sentences of penal servitude to be served consecutively, provided that the terms of such sentences shall not in the aggregate exceed 20 years.

Attempt upon chastity. S 249(2) — Penal servitude not exceeding 10 years

(2) Any person who commits an indecent act 'attentat à la pudeur' by force or without consent upon a person of either sex, shall be liable to penal servitude for a term not exceeding 10 years.

250. Sodomy and bestiality — Penal servitude not exceeding 5 years

(1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.

253. Procuring, enticing and exploiting prostitute — Imprisonment not more than 20 years together with a fine not exceeding Rs 200,000

(1) Any person who, to gratify the passions of another and for gain —

(a) (a) procures, entices or leads away, for purposes of prostitution, another person;

(b) (b) exploits, or is an accomplice in, the prostitution of another person, even with the consent of that person;

(c) draws a benefit from the prostitution of some other person, shares the earnings of, or receives subsidies from, another person who habitually indulges in prostitution, shall commit an offence.

(4) Any person guilty of an offence under this section shall be liable on conviction to imprisonment for a term which, notwithstanding section 152 of the Criminal Procedure Act, shall be not more than 20 years together with a fine not exceeding 200,000 rupees.

257. Bigamy — Penal Servitude not exceeding 20 years

(1) Any person who, being married, marries another person before the dissolution of the first marriage shall be punished by penal servitude for a term not exceeding 20 years.

260. Family abandonment — imprisonment for a term not exceeding 5 years and to a fine not exceeding 100,000 rupees.

(1) Any father or mother who without any serious reason, abandons for more than 2 months the family residence and eludes all or part of his or her moral or material obligations resulting from parental authority shall commit an offence.

(2) Any husband who without serious reason voluntarily abandons for more than 2 months his wife whom he knows to be pregnant shall commit an offence.

(3) Any father or mother who, through ill treatment, pernicious examples of habitual drunkenness or notorious ill conduct, lack of care or direction, seriously endangers the health, security or morality of any of his minor children shall commit an offence.

(4) A partner of any father or mother who, through any means specified in subsection (3), seriously endangers the health, security or morality of any of his partner's minor children shall commit an offence.

(5) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for a term not exceeding 5 years and to a fine not exceeding 100,000 rupees.

261. Failure to pay alimony — a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years

(1) Any person who, having been judicially ordered to pay alimony to his spouse or children, voluntarily fails, during 2 months, to pay the full amount of alimony so ordered to his spouse or children, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

346. Arson — Penal Servitude not exceeding 20 years

(1) Any person who wilfully sets fire to any building, ship, boat, storehouse, timber yard or any other place when they are inhabited or in use as a residence or as a place of meeting, whether the same belongs to him or not, shall be liable to penal servitude.

Any person who by setting fire to anything whether it belongs to him or not, wilfully sets fire to any property or thing specified in subsections (1) to (5), shall be liable to penal servitude for a term not exceeding 20 years.

348. Threatening arson — imprisonment for a term not exceeding 2 years.

Any threat to set fire to a dwelling-place, or to any other property, shall be punished by the same punishment as a threat to murder, and according to the distinctions specified in sections 224, 225 and 226.

362. Damaging enclosure — imprisonment for a term not exceeding 2 years, and by a fine not exceeding 100,000 rupees.

Any person who, whether in whole or in part, fills up any ditch, destroys any enclosure made of any materials, cuts or tears up any hedge, whether quick or dead, or displaces or takes away any landmark, cornerstone or tree, planted or known as establishing the boundaries between different properties, shall be punished by imprisonment for a term not exceeding 2 years, and by a fine not exceeding 100,000 rupees.

363. Damaging building — imprisonment for a term not exceeding 2 years, and by a fine not exceeding 100,000 rupees.

Any person who throws any stone or other hard substance against the house, building or enclosure, of another person or into any garden or enclosure, shall be punished by imprisonment for a term not exceeding 2 years and by a fine not exceeding 100,000 rupees, without prejudice to any severe punishment, if any wound or accident has ensued.

369. Damaging goods and chattels — imprisonment for a term not exceeding 2 years, and by a fine not exceeding 100,000 rupees.

Any person who, in any case not provided for by sections 346 to 368, causes any wilful damage to the goods and chattels of another person, shall be punished by imprisonment for a term not exceeding 2 years and by a fine not exceeding 100,000 rupees.

These offences are not exhaustive.

(2) The statistics in relation to Domestic offences have been computed as follows for the years 2009-2012.

Data from annual report of supreme court 2012

Table 4.5 — Cases under the Protection from Domestic Violence Act 1977 at the District Courts, 2009-2012

	Cases lodged				*Cases disposed*			
	2009	*2010*	*2011*	*2012*	*2009*	*2010*	*2011*	*2012*
Port Louis Div. I	255	208	174	162	273	201	177	145
Pamplemousses	145	233	150	208	136	216	228	213
Rivière du Rempart	140	168	123	91	143	156	120	99
Flacq	126	167	145	173	126	151	136	162
Moka	93	94	106	90	94	86	110	88
Lower Plaines Wilhems	561	543	330	416	532	520	321	403
Upper Plaines Wilhems	194	204	187	180	185	196	187	141
Grand Port	132	115	95	59	134	112	95	72

	Cases lodged				*Cases disposed*			
	2009	*2010*	*2011*	*2012*	*2009*	*2010*	*2011*	*2012*
Savanne	46	29	16	17	40	37	16	17
Black River	80	106	136	88	81	104	143	79
Rodrigues	29	38	50	60	29	40	49	59
Island of Mauritius	1 172	1 867	1 562	1 484	1 744	1 779	1 533	1 419
Republic of Mauritius	1 801	1 905	1 612	1 544	1 773	1 819	1 582	1 478

Table 4.6 — Breakdown of Orders under the Protection from Domestic Violence Act 1997 at the District Courts, 2012

	Orders				
	Protection	*Occupation*	*Tenancy*	*Revocation*	*Total*
Applications received	1 522	20	2	1	1 545
Interim Orders issued	1 465	2	–	–	1 467
Orders issued	813	8	1	1	823
Orders extension made	211	5	–	–	216
Applications withdrawn/set aside/struck out/dismissed	650	7	1	–	658
Cases where parties have been ordered to attend counselling sessions	26	–	–	–	26

Table 4.7 — Breakdown by sex of Protection Orders under the Protection from Domestic Violence Act 1997 at the District Courts, 2012

	Spouse partner			*Other persons living under the same roof*			*Total*		
	Male	*Female*	*Total*	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*
Applications received	61	1 280	1 341	55	126	181	116	1 406	1 522
Interim Orders issued	48	1 248	1 296	47	122	169	95	1 370	1 465
Orders issued	18	712	730	36	47	83	54	759	813
Orders extension made	–	203	203	–	8	8	–	211	211
Applications withdrawn/ set aside/struck out/ dismissed	36	531	567	30	53	83	66	584	650
Cases where parties have been ordered to attend counselling sessions	2	24	26	–	–	–	2	24	26

The Office of the Director of Public Prosecutions (ODPP) is embarking on a national campaign to create an awareness of the need for a national strategy to provide information and services for the victims of s ch violence.

The ODPP is referring cases of Domestic Violence to counselling under section 3B of the Protection for Domestic Violence Act when the parties charged under the Protection from Domestic Violence Act (PDVA) do not want to proceed with the case. The Ministry of Gender Equality, Child Development and Family Welfare ensures the follow up action.

(d) Adopt all relevant administrative and legislative measures to offer effective protection to women who file complaints about violence against them, including by providing for restraining measures under the Protection from Domestic Violence Act once a complaint has been filed and further to provide training to judges and magistrates on the scope of domestic violence legislation;

The Ministry also assists victims in terms of application for Protection Order, Occupation Order and Tenancy Order under PDVA.

The penalty for wilful non-compliance with any Orders under the Act is now as follows:

(a) On first conviction a fine of Rs 25,000 and imprisonment for a term not exceeding 2 years.

On second or subsequent conviction a fine not exceeding Rs 50,000 and imprisonment for a term not exceeding 2 years.

Members of the judiciary as well as officers of the Attorney General's Office and the Office of the Director of Public Prosecutions have the opportunity during the course of their duties to attend conferences, workshops and seminars on human rights be it locally, regionally or on an international plane. In 2008, a judicial seminar on human rights was organized jointly by the Judiciary and the Attorney General's Office with the assistance of the United Nations Development Programme (UNDP) whereby participants were sensitized on the various United Nations international human rights instruments as well as on regional instruments such as the African Charter on Human and Peoples' Rights.

The Institute for Judicial and Legal Studies is equally responsible for on-going training for judges, magistrates and law officers. The Ministry to decide as to whether specific training is envisaged with regard to CEDAW.

(f) Take all legislative measures to categorize domestic violence as a crime and accelerate its efforts to criminalize marital rape and to include it in the Sexual Offences bill.

There is no legal provision which specifically criminalizes domestic violence, but there are a number of criminal offences under which perpetrators of domestic violence can be prosecuted under the Criminal Code. Moreover, failure to comply with Orders granted under the PDVA and its related amendments are considered criminal.